

**REMARKS**

In accordance with the foregoing, claims 1 – 10 and 13 - 15 are pending and under consideration. No new matter is presented in this Amendment.

**Request for English translation of the full document of Masatake JP 04-184861**

As discussed below, Applicants do not agree with the Examiner's interpretation of the teachings of Masatake JP 04-184861, which interpretation is based solely on the English abstract. Therefore, in order to further prosecution, Applicants hereby request that the Examiner supply a competent English translation of the full document of Masatake JP 04-184861.

**Rejection of claims 1 – 3 and 15 under 35 U.S.C. §103(a) over Moriwaki, Masatake and Nakanishi**

At page 3 of the Office Action, claims 1-3 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki et al. (U.S. Patent No. 6,258,480) (hereinafter, "Moriwaki") in view of Masatake et al. (JP 04-184861) (hereinafter, "Masatake") and Nakanishi et al. (U.S. Patent Publication No. 2002/0142211) (hereinafter, "Nakanishi"). For the following reasons, this rejection is respectfully traversed and reconsideration is requested.

Moriwaki, either alone, or in combination with the secondary references, fails to disclose or suggest, a layer having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  as recited in independent claim 1, since the nickel layer of Moriwaki is less than 30  $\mu\text{m}$  (see, col. 5, lines 9-21, and col. 11, lines 45-58 of Moriwaki).

Contrary to what is alleged by the Examiner, Masatake does not describe a layer having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided on an outer surface of only the bottom portion of the can. In the passage of the abstract referred to by the Examiner, Masatake describes inserting an electrode group 4 into a cylindrical shape battery can 5 having a bottom where Ni metal plating is carried on an iron basis, and a lead terminal 6 derived from the negative electrode 2 is welded to the bottom surface of the battery can by means of spot welding. Based on the description of inserting the electrode group into the can and welding the lead terminal of the negative electrode to the bottom surface of the can, and referring to FIG. 2 of Masatake, Applicants respectfully

submit that the reasonable interpretation of this passage of Masatake is that the Ni metal plating is on the interior surface of the bottom of the can and nothing in the Masatake abstract indicates that the Ni metal plating is on the outer surface as recited by independent claim 1.

Moreover, even if the Ni metal plating mentioned in Masatake were interpreted to be on the outer surface of the can, nothing in the Masatake abstract indicates that the Ni metal plating is only on the bottom portion of the can. In particular, it is respectfully submitted that the Examiner has misread the English translation of the Japanese abstract, which refers to “a cylindrical shape battery can 5 having [a] bottom,” describing the shape of the can. It is respectfully submitted that the further description “where Ni metal plating is carried on an iron basis material” refers back to the “cylindrical shape battery can 5 having [a] bottom,” meaning that the battery can 5 itself is formed of an iron basis material plated with Ni metal. Nothing in Masatake teaches or suggests that a layer is provided on an outer surface of only the bottom portion of the can 5 and not provided on the side wall of the can 5.

As noted above, since the Abstract does not clearly support the Examiner’s interpretation of the teachings of Masatake, the Examiner is requested to obtain a competent English translation of the full document of Masatake.

Nakanishi does not overcome the failure of Moriwaki and Masatake to teach or suggest a layer having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided only on an outer surface of the bottom portion of a can of a secondary battery. The Nakanishi reference is applied by the Examiner for its alleged teachings regarding an end cap attached to a battery can by welding, and Nakanishi contains no teachings relevant to a battery including a layer having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided on an outer surface of only the bottom portion of the can.

Therefore the rejection should be withdrawn.

**Rejection of claims 4 and 5 under 35 U.S.C. §103(a) over Moriwaki, Masatake, Nakanishi and Seiji**

At page 5 of the Office Action, claims 4 and 5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki in view of Masatake and Nakanishi and further in view of Seiji (JP 60 124351). For the following reasons, this rejection is respectfully traversed and reconsideration is requested.

Seiji does not overcome the failure of Moriwaki, Masatake and Nakanishi to teach or suggest a layer having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided on an outer surface of only the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claims 4 and 5 depend. In particular, Seiji does not teach or suggest any thickness of its nickel or copper layer. Therefore, combining the secondary battery of Moriwaki, the secondary battery of Masatake and the secondary battery of Nakanishi with a copper layer according to Seiji would not have met all of the limitations of the present claims.

Therefore, the rejection should be withdrawn.

**Rejection of claims 6 and 7 under 35 U.S.C. §103(a) over Moriwaki, Masatake and Nakanishi and Morishita**

At page 6 of the Office Action, claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki in view of Masatake and Nakanishi and further in view of Morishita et al. (U.S. Patent No. 5,976,729) (hereinafter, "Morishita"). For the following reasons, this rejection is respectfully traversed and reconsideration is requested.

Morishita does not overcome the failure of Moriwaki, Masatake and Nakanishi to teach or suggest a layer having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided only on an outer surface of the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claims 6 and 7 depend. In particular, Morishita only describes that a lead plate is welded onto the bottom of a can and a safety device attached to the lead plate and does not describe any layer having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  on an outer surface of the bottom portion of a can of a secondary battery. Therefore, combining the secondary battery of Moriwaki, the secondary battery of Masatake and the secondary battery of Nakanishi with a safety device according to Morishita would not have met all of the limitations of the present claims.

Therefore, the rejection should be withdrawn.

**Rejection of claims 8 and 9 under 35 U.S.C. §103(a) over Moriwaki, Masatake and Nakanishi, Morishita and Seiji**

At page 7 of the Office Action, claims 8 and 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki in view of Masatake, Nakanishi and Morishita, and further in

view of Seiji. For the following reasons, this rejection is respectfully traversed and reconsideration is requested.

Moriwaki, Masatake, Nakanishi, Morishita, and Seiji do not teach or suggest a layer having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided on an outer surface of only the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claims 8 and 9 depend, for the reasons described above. Therefore, combining, Moriwaki, Masatake, Nakanishi, Morishita and Seiji would not have met all of the limitations of claims 8 and 9.

Therefore, the rejection should be withdrawn.

**Rejection of claim 10 under 35 U.S.C. §103(a) over Moriwaki, Masatake and Nakanishi, Seiji and Morishita**

At page 8 of the Office Action, claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki in view of Masatake, Nakanishi and Seiji, and further in view of Morishita. For the following reasons, this rejection is respectfully traversed and reconsideration is requested.

Moriwaki, Masatake, Nakanishi, Seiji and Morishita do not teach or suggest a layer having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided on an outer surface of only the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claim 10 depends. Therefore, combining, Moriwaki, Masatake, Nakanishi, Seiji and Morishita would not have met all of the limitations of the present claims.

Therefore, the rejection should be withdrawn.

**Rejection of claims 13 and 14 under 35 U.S.C. §103(a) over Moriwaki, Masatake and Nakanishi and Shibata**

At page 9 of the Office Action, claims 13 -14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Moriwaki in view of Masatake and Nakanishi, and further in view of Shibata et al. (EP 0 899 799 A2). For the following reasons, this rejection is respectfully traversed and reconsideration is requested.

Shibata does not overcome the failure of Moriwaki, Masatake and Nakanishi to teach or

suggest a layer having a thickness of 30  $\mu\text{m}$  to 100  $\mu\text{m}$  provided on an outer surface of only the bottom portion of a can of a secondary battery as recited in independent claim 1, from which claims 13 and 14 depend. In particular, the layers described in Shibata cover the entire jar can and are not limited to the bottom of the can. Moreover, Shibata explicitly states that its nickel layer (which is alleged to correspond to the layer recited in claim 1) is not more than 5  $\mu\text{m}$ . Therefore, combining Moriwaki, Masatake, Nakanishi and Shibata would not have met all of the limitations of the present claims.

Therefore, the rejection should be withdrawn.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: \_\_\_\_\_

*March 11, 2009*

By: \_\_\_\_\_



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